



MEMO ENDORSED

Seyfarth Shaw LLP

620 Eighth Avenue
New York, New York 10018
T (212) 218-5500
F (212) 218-5526

jegan@seyfarth.com
T (212) 218-5291

www.seyfarth.com

August 11, 2020

VIA ECF

The application is X granted
_____ denied

Edgardo Ramos, U.S.D.J

Dated: August 11, 2020

New York, New York

Hon. Edgardo Ramos
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 619
New York, NY 10007

**Re: *Tucker v. Chick-fil-A, Inc.*,
Civil Action No.: 1:19-cv-09844-ER (S.D.N.Y.)**

Dear Judge Ramos:

This Firm represents Defendant Chick-fil-A, Inc. ("Chick-fil-A" or "Defendant") in the above-referenced matter. We have conferred with Plaintiff's counsel and write, with Plaintiff's concurrence, to jointly request a stay of this action pending the Second Circuit Court of Appeals' review of rulings in similar actions.

By way of background, this matter is currently stayed until August 20, 2020, and the parties have been directed to file a joint status update by August 21, 2020. (ECF. No. 16.)

Within the last two months, courts in this District have granted defendants' motions to dismiss other gift card cases involving virtually identical complaints. See e.g. *Yovanny Dominguez v. Banana Republic, LLC*, Civil Action No. 1:19-cv-10171 (GHW) (S.D.N.Y.); *James Murphy v. Kohl's Department Stores, Inc.*, Civil Action No. 1:19-09921 (GHW) (S.D.N.Y.); *Marcos Calcano v. Swarovski North America Ltd.*, Civil Action No. 1:19-cv-10536 (GHW) (S.D.N.Y.) ("*Swarovski*"). Plaintiffs in those cases exercised their right to appeal from the rulings, and the Second Circuit has recently consolidated the cases into *Swarovski* and ordered an expedited briefing schedule in that matter, indicating some intention that the Second Circuit intends to address the same issues raised in Plaintiff's Complaint. See *Marcos Calcano v. Swarovski North America Ltd.*, Case No. 1:20-cv-1552 (2d Circ.).

A continued stay of this matter would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Second Circuit. The parties jointly request that they be provided with thirty (30) days from the date of the Second Circuit's decision in *Swarovski* appeal to file another joint status letter.



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We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

Enclosures

cc: All counsel of record (via ECF)